THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.5726 of 2002

DATED 25.09.2006

Between:
Yadaraju Gangaraju. .. PETITIONER

versus

Visakhapatnam Municipal Corporation,
represented by its Commissioner,
Visakhapatnam and another. .. RESPONDENTS

WRIT PETITION NO.5726 of 2002

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the attempted action of demolition of the petitioner's terraced house bearing D.No.49-54-15/6 (old D.No.49-54A/4e) in an extent of 250 sq.yards situated in Allipuram extension ward, Visakhapatnam-13 on 16.3.2002 at the instance of S.Kameswaramma and without issuing any show cause notice under Section 406 of H.M.C. Act and also threatening to demolish it at any time as illegal, arbitrary, capricious and violative of principles of natural justice and also vitiated with malafides on the part of the 2nd respondent and consequently to direct the respondents not to resort to demolish his house except under due process of law and pass such other suitable orders.

3. The main grievance of the petitioner is that there is threat of demolition without following the procedure as contemplated by the provisions of Hyderabad Municipal Corporation Act.

4. Several factual details had been narrated in the affidavit filed in support of the Writ Petition and these factual details need not detain

this Court any longer for the reason that the main grievance of the petitioner is that the 1st respondent is not following due process of law. It is needless to say that while carrying out any demolition activity, due procedure under the provisions of Hyderabad Municipal Corporation Act to be followed.

5. In view of the same, the Writ Petition is disposed of and the 1st respondent is hereby directed not to resort to any demolition activity unless and until due process of law is followed in relation to the subject matter of the Writ Petition, and if necessary put on notice to the petitioner, the 2nd respondent and the other affected parties. No costs.

25.09.2006

SSR